IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4555 OF 2003

Shri Vishnu Bhau Kumbhar, .. Petitioner
Vs
1. Smt Housabai Bhau Kumbhar
and anr. .. Respondents
Mr Dilip Bodake, for the petitioner.
Mr Sanjay Kshirsagar, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE,J.

DATE : FEBRUARY 16, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioner is seeking extension of time to deposit cost that was awarded by this Court while disposing of the earlier Writ Petition No.499 of 2003 filed by him vide order dated 17.4.2003. The earlier writ petition was filed against the order dated 4.12.2002 rejecting the application of the petitioners for amendment of the written statement. That order was set aside and while doing so the petitioner was directed by this Court to carry out amendment within two weeks from the date of receipt of the order dated 17.4.2003 and pay cost of Rs.2000/- to the respondents-plaintiffs within four weeks therefrom as a condition precedent for allowing the amendment. According to Mr Bodake, learned counsel for the petitioner, the petitioner

misunderstood the order and carried an impression that he had to deposit the cost of Rs.2000/- within four weeks from the date of receipt of the order dated 17.4.2003. Hence, there was a delay. Considering the explanation offered by the petitioner for delay in depositing the cost, I am inclined to extend the time for payment of cost of Rs.2000/- to the respondents-plaintiffs. The petitioner is accordingly directed to pay cost of Rs.2000/- directly to the respondents-plaintiffs within two weeks from today and obtain receipt thereof and produce the same before the trial Court. The petitioner is also allowed to carry out amendment, if not carried out already, within two weeks from today. The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)

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